

Family and Medical Leave Entitlement

Under the Family and Medical Leave Act of 1993 (FMLA), most Federal employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period for the following purposes:

- > The birth of a son or daughter of the employee and the care of such son or daughter;
- > The placement of a son or daughter with the employee for adoption or foster care; the care of spouse, son, daughter, or parent of the employee who has a serious health condition; or:
- > A serious health condition of the employee that makes the employee unable to perform the essential functions of his or her positions. Under certain conditions, an employee may use the 12 weeks of FMLA leave intermittently. An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM's regulations for using annual and sick leave, for any unpaid leave under the FMLA. (The amount of sick leave that may be used to care for a family member is limited. See "Sick Leave to Care for a Family Member with a Serious Health Condition" <http://www.opm.gov/oca/leave/HTML/> FMLA leave is in addition to other paid time off available to an employee.

Job Benefits and Protection:

- * Upon return from FMLA leave, an employee must be returned to the same position or to an "equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment".
- * An employee who takes FMLA leave is entitled to maintain health benefits coverage. An employee on unpaid FMLA leave may pay the employee share of the premiums on a current basis or pay upon return to work. Advance Notice and Medical Certification.
- * An employee MUST provide notice of his or her intent to take family and medical leave not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable.
- * An agency may request medical certification for FMLA leave taken to care for an employee's spouse, son, daughter, or parent who has a serious health condition or for the serious health condition of the employee.

Links:

- * **5/8/00 FMLA Changes (.pdf Format) FMLA**
<http://www.opm.gov/oca/leave/HTML/FMLACHNG.PDF>

* **Full FMLA Regulations FMLA**

<http://www.opm.gov/oca/leave/HTML/>

* **12/5/96 Regulations Federal Register version (.pdf Format**

<http://www.opm.gov/oca/FMLA/FMLA96.PDF>

* **FMLA Medical Certification Form**

<http://www.dol.gov/esa/regs/compliance/whd/fmla/wh380.pdf>

* **Expanded Family and Medical Leave Policies**

<http://www.opm.gov/oca/leave/HTML/fampres.htm>

* **Questions and Answers on Expanded Family and Medical Leave Policies**

<http://www.opm.gov/oca/leave/HTML/fampres.htm>

Public Law 103-3. February 5, 1999

5 U.S.C. 6381-6387; 5 CFR part 630, subpart L